

REMARKS

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. It appears that the Office is questioning how a thin film can permit passage of Li ions without having Li ion conductivity.

Claims 1, 4 and 8 are rejected under 35 U.S.C. §102(b) as being anticipated by Chaloner-Gill et al. (U.S. Patent No. 5,354,631) ("Chaloner-Gill"). The position of the Office in this rejection appears to be that lithium or a lithium alloy coated with a polymer comprising a silane or passivated with a cured composition of polymer precursors comprising the silane as disclosed in Chaloner-Gill is a "Li alloying metal ... covered with a thin film which is nonreactive with Li ions, permits passage of Li ion but does not have an Li ion conductivity" as recited in claim 1 of the application.

Claim 1 has been amended to delete the recitation "a thin film which is nonreactive with Li ions, permits passage of Li ion but does not have an Li ion conductivity" and to recite that the Li alloying metal which is used as an active material of at least one of the positive and negative electrodes is covered with --a

diamond-like carbon thin film--. Claim 2, which recited that the thin film covering the lithium alloying metal is a diamond-like thin film, has been cancelled. Claim 3 has been amended to depend on claim 1.

The amendments to claim 1 avoid the 35 U.S.C. § 112, second paragraph, rejection by deleting the recitation which formed the basis for the rejection and overcome the 35 U.S.C. § 102 rejection by including an element, the diamond-like carbon thin film covering the lithium alloying metal, not disclosed by the Chaloner-Gill reference.

Removal of the rejections and an allowance of the claims remaining in the application are in order.

The foregoing is believed to be a complete and proper response to the Office Action dated October 17, 2003, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of

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RESPONSE UNDER 37 C.F.R. §1.111

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time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK

A handwritten signature in black ink, appearing to be 'R. Kubovcik', written over a horizontal line.

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